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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO.              |
|---|-------------|----------------------|---------------------|-------------------------------|
| 10/765,684  | 01/27/2004  | Joe Wilcock          | 4345P2752           | 1457                          |
| 23504   | 7590        | 11/06/2006           |                     |                               |
| WEISS & MOY PC<br>4204 NORTH BROWN AVENUE<br>SCOTTSDALE, AZ 85251 |             |                      |                     | EXAMINER<br>LEUNG, JENNIFER   |
|   |             |                      |                     | ART UNIT<br>3709 PAPER NUMBER |

DATE MAILED: 11/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/765,684             | WILCOCK, JOE        |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Jennifer Leung         | 3709                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 1/27/2004 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 1/27/2004.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to because in Figure 1, reference characters and letters, such as "cat 5" and "cat 5 network cable" are illegible.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

2. The disclosure is objected to because of the following informalities:

Page 4, line 16: "players" should be -- participants --.

Page 6, line 10: "downloaded" should be -- uploaded --.

Appropriate correction is required.

***Claim Objections***

3. Claims 4, 8, 9, 14, and 15 are objected to because of the following informalities:

Claim 4, line 1: "said hub" should be -- a hub --.

Claim 8, line 3: "said draft" should be -- said fantasy draft --.

Claim 9, line 3: "said draft" should be -- said fantasy draft --.

Claim 14, line 2: "said draft" should be -- said fantasy draft --.

Claim 15, line 2: "said draft" should be -- said fantasy draft --.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In line 3, "so that it may" should be -- so that said team roster may -- because the use of the pronoun, "it", renders the claim vague and indefinite.

Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999).

The term "downloading" in claim 18, line 1 is used by the claim to mean "uploading", while the accepted meaning is "to transfer (data or programs) from a server or host computer to one's own computer or device" (<http://www.dictionary.com>). The term is indefinite because the specification does not clearly redefine the term.

The term "uploaded" in claim 18, line 3 is used by the claim to mean "downloaded", while the accepted meaning is "to transfer (data or programs), usually from a peripheral computer or device to a central, often remote computer" (<http://www.dictionary.com>). The term is indefinite because the specification does not clearly redefine the term.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Gavriloff (US 6,371,855).

Re claim 1: Gavriloff discloses a fantasy sports drafting system comprising, in combination: a computer server having fantasy sports drafting software loaded thereon (2; col. 4, lines 49-51); a plurality of personal computers (1) in communication with said computer server (see Fig. 1A: the participant client computers communicate with the server via the internet); a plurality of display monitors, coupled to said personal computers (1: a display monitor is an inherent feature of a personal computer, and it is common in the art to couple the display monitor to the computer with a cable); wherein said fantasy sports drafting software permits execution of the following steps: inputting of identifying information relating to teams participating in a fantasy draft (Fig. 3, 104; col. 11, lines 23-26); inputting information regarding player selections occurring during

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said fantasy draft (Fig. 4; col. 3, lines 59-60; col. 11, lines 51-55); generating a roster for each said team (Fig. 5; col. 3, lines 61-62); and displaying each said roster on said display monitor (Fig. 5; col. 3, lines 61-62: a web page is displayed on a monitor so that a participant can see his or her roster).

Re claim 2: Gavriloff further discloses a hub interposed between said computer server and said plurality of personal computers (see Fig. 1A: the internet is a hub which allows the participant client computers to communicate with the server).

Re claim 3: Gavriloff further discloses a console (1: in the current application 10/765684, the specification, page 5, lines 14-16, discloses that the console is the preferred location to input information. However, the plurality of personal computers in Gavriloff perform the same functions as the console including communicating with the server and allowing the input of information through the use of display monitors and keyboards as stated on page 5, lines 4-9 of the specification) in communication with said computer server (see Fig. 1A: the participant client computers communicate with the server via the internet).

Re claim 4: Gavriloff further discloses the console being coupled to a hub (see Fig. 1A: the internet is a hub which allows the participant client computers to communicate with the server).

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Re claim 5: Gavriloff further discloses identifying information, which includes a team name (Fig. 3, 104; col. 1, line 8; col. 11, lines 23-26).

Re claim 6: Gavriloff further discloses identifying information, which includes a participant name (Fig. 6, 300; Fig. 7: allows entry of First and Last Names; col. 1, lines 65-67; col. 3, lines 63-64; col. 12, lines 10-16).

Re claim 7: Gavriloff further discloses player selections information, which includes a name and position of a player selected during said fantasy draft (Figs. 4 and 5).

Re claim 8: Gavriloff further discloses the fantasy sports drafting software, which permits execution of the step of inputting information regarding an amount spent to select a player during said draft (col. 5, lines 49-52; col. 5, lines 61-65; Fig. 4: the amounts listed under the "Value" column under the title "Select a Goalkeeper"; Fig. 5: the "Wam" amounts listed in parentheses next to each players name under "Manual selection of your squad").

Re claim 9: Gavriloff further discloses the fantasy sports drafting software, which permits execution of the step of calculating an amount of money available to be spent by a participant in said draft (Fig. 6: the available "Wam" left is listed under the list of players; col. 6, lines 12-15).

8. Claims 10-17 are rejected under 35 U.S.C. 102(b) as being anticipated by the Player Evaluation and Draft Software ("PEDS 2002")

(<http://web.archive.org/web/20021017162622/http://www.fantasyinsights.com/firstplace/peds.html>;

<http://web.archive.org/web/20021017094815/www.footballsoftware.com/screenex.html>;

<http://web.archive.org/web/20021017093325/www.footballsoftware.com/reports/reportex/peds.html>;

<http://web.archive.org/web/20021013182704/www.webleaguemanager.com/faq.html>;

the PEDS 2002 software can be found at

<http://web.archive.org/web/20021017162413/www.fantasyinsights.com/firstplace/demos.html>)

Re claim 10: PEDS 2002 discloses a method for conducting a fantasy sports draft comprising the steps of: inputting or identifying information relating to teams participating in a fantasy draft (PEDS 2002 screenshot 1, reference numbers 1 and 2); inputting information regarding player selections occurring during said fantasy draft ([www.footballsoftware.com/screenex.html](http://www.footballsoftware.com/screenex.html), page 1, second bullet); generating a roster for each said team ([www.footballsoftware.com/screenex.html](http://www.footballsoftware.com/screenex.html), page 1, seventh bullet); displaying each said roster on at least one display monitor so that it may be viewed by a plurality of participants in said fantasy draft ([www.fantasyinsights.com/firstplace/peds.html](http://www.fantasyinsights.com/firstplace/peds.html), page 2, fourth bullet under the title

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"Drafter"); wherein said at least one display monitor is co-located with said plurality of participants in said fantasy draft ([www.fantasyinsights.com/firstplace/peds.html](http://www.fantasyinsights.com/firstplace/peds.html), page 1, para. 5, lines 1-2; [www.webleaguemanager.com/faq.html](http://www.webleaguemanager.com/faq.html), page 4, lines 1-2 under the fifth question).

Re claim 11: PEDS 2002 further discloses identifying information, which includes a team name (PEDS 2002 screenshot 1, reference number 1).

Re claim 12: PEDS 2002 further discloses identifying information, which includes a participant name (PEDS 2002 screenshot 1, reference number 2: in the specification of the current application 10/765684, page 1, lines 10-11 states that participants can be team owners.).

Re claim 13: PEDS 2002 further discloses player selections information, which includes a name and position of a player selected during said fantasy draft (PEDS 2002 screenshot 2, reference numbers 1 and 2).

Re claim 14: PEDS 2002 further discloses the step of inputting information regarding an amount spent to select a player during said draft (PEDS 2002 screenshot 3, reference number 1).

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Re claim 15: PEDS 2002 further discloses the step of calculating an amount of money available to be spent by a participant in said draft (PEDS 2002 screenshot 4, reference number 1).

Re claim 16: PEDS 2002 further discloses the step of permitting at least one participant who is not co-located with said display monitors to participate in said fantasy draft ([www.webleaguemanager.com/faq.html](http://www.webleaguemanager.com/faq.html), page 5, first full paragraph, lines 1-7).

Re claim 17: PEDS 2002 further discloses the step of printing a team roster for each participating team ([www.fantasyinsights.com/firstplace/peds.html](http://www.fantasyinsights.com/firstplace/peds.html), page 3, eighth bullet; [www.footballsoftware.com/reports/reportexpeds.html](http://www.footballsoftware.com/reports/reportexpeds.html), page 1, paragraph 2, line 4; [www.footballsoftware.com/reports/reportexpeds.html](http://www.footballsoftware.com/reports/reportexpeds.html), page 3, entire paragraph under "Fantasy Rosters").

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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10. Claim 18, as understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over PEDS 2002 in view of Gavriloff. The teachings of PED 2002 have been discussed above.

However, PEDS 2002 fails to disclose the step of uploading to a server associated with a web-site an electronic version of at least one team roster for at least one participating team, so that it may be downloaded by at least one said participant.

Gavriloff teaches a server in communication with a plurality of participant client computers via the internet, which allows data, including roster information, to be uploaded to the server in order for the participant to later download the same information from a website (Fig. 1A; Fig. 10; col. 4, lines 58-60; col. 5, lines 3-7; col. 12, lines 31-40).

Therefore, in view of Gavriloff, it would have been obvious to one of ordinary skill in the art at the time the invention was made to upload team rosters to a server in order to save them for easy access and viewing later if a participant forgot which players he or she selected during the draft.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Del Prado discloses a fantasy sports auction system. Junkin discloses an interactive system allowing simulated or real time participation in a league.

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Barber discloses systems and methods for providing multiple user support for shared user equipment in a fantasy sports contest application. Lemmons discloses an interactive game via set top boxes. Fandraft.com discloses a fantasy football draft software.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer Leung whose telephone number is 571-270-1342. The examiner can normally be reached on Mon -Thur, every other Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong-Suk (James) Lee can be reached on 571-272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

J.J.  
Jennifer Leung  
October 26, 2006



J.S. Lee  
JONG SUK LEE  
SUPERVISORY PATENT EXAMINER